

House Bill 3514

Sponsored by Representative EVANS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act directs a county clerk to publish a voters' pamphlet for certain elections. The Act directs a county clerk to publish an official tally of votes at least two times on the day of certain elections. (Flesch Readability Score: 62.3).

Requires the county clerk to publish a county voters' pamphlet for any primary and general election.

Requires the county clerk to publish at least two unofficial tallies of votes on the day of each primary election and general election.

A BILL FOR AN ACT

1
2 Relating to publication of certain election information; amending ORS 251.067, 251.305, 251.315,
3 251.335, 251.345, 251.355, 251.365 and 254.485.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 251.305 is amended to read:

6 251.305. (1) **The county clerk of a county shall prepare, print and distribute a county**
7 **voters' pamphlet for any primary election and general election.**

8 (2) The county clerk of any county may prepare, print and distribute a county voters' pamphlet
9 **that is not otherwise required under subsection (1) of this section** for any election **other than**
10 **a primary election or general election.**

11 **SECTION 2.** ORS 251.315, as amended by section 5, chapter 55, Oregon Laws 2024, and section
12 2, chapter 56, Oregon Laws 2024, is amended to read:

13 251.315. (1) [*If a county produces a county voters' pamphlet, the*] **A** county voters' pamphlet
14 [*shall*] **must** include, when applicable, at least the following information:

15 (a) Requirements for a citizen to qualify as an elector.

16 (b) Requirements for registration and updates of registration.

17 (c) Elector instructions, including the right of an elector to request a second ballot if the first
18 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

19 (d) The hours and locations of places designated under ORS 254.470 for deposit of official ballots.

20 (e) Any portraits and statements relating to candidates submitted in accordance with the pro-
21 visions of ORS 251.305 to 251.435.

22 (f) Any ballot titles, explanatory statements and arguments submitted in accordance with the
23 provisions of ORS 251.305 to 251.435.

24 (g)(A) Statements in the information section of the voters' pamphlet on the pages immediately
25 following the page containing the letter of the county clerk, filing office or other public election
26 official, to the extent reasonably practicable, that:

27 (i) Are written in English and the 10 additional common languages for the county listed by the
28 Secretary of State under ORS 251.167;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (ii) Explain that an electronic copy of portions of the voters' pamphlet is publicly available in
2 that language; and

3 (iii) Provide the website address to the translated voters' pamphlet.

4 (B) The statements required under subparagraph (A) of this paragraph must be written so as to
5 be clearly readable.

6 (C) The Secretary of State may adopt rules necessary to implement this paragraph.

7 (h) Such other information as the county clerk considers to be appropriate or necessary to in-
8 form the voters.

9 (2) The county clerk shall mail or otherwise distribute the county voters' pamphlet not later
10 than the last day for mailing ballots to electors as provided in ORS 254.470.

11 (3)(a) The name of the county clerk or other filing officer may not appear in the county voters'
12 pamphlet in the county clerk's or filing officer's official capacity if the county clerk or filing officer
13 is a candidate in the election for which the voters' pamphlet is printed.

14 (b) As used in this subsection, "filing officer" has the meaning given that term in ORS 254.165.

15 **SECTION 3.** ORS 251.335 is amended to read:

16 251.335. (1) As used in this section, "district" has the meaning given that term in ORS 255.012.

17 (2) Not later than the date specified by the Secretary of State, any candidate for nomination or
18 election to county, city or special district office within the county, or an agent of the candidate,
19 may file with the county clerk [*of a county that prepares a*] **for purposes of the** county voters'
20 pamphlet a portrait of the candidate and a typewritten statement of the reasons the candidate
21 should be elected. The portrait and statement must comply with the applicable rules of the Secretary
22 of State.

23 (3) The county clerk may not accept the filing of a statement or portrait of any candidate unless
24 the filing is accompanied by the appropriate fee described in ORS 251.325.

25 (4) At the bottom of each allotted space of the county voters' pamphlet containing a portrait and
26 statement filed by a candidate, the county clerk shall include:

27 (a) A statement identifying the person who furnished the portrait and statement; and

28 (b) A disclaimer in boldfaced type in substantially the following form:

29 _____
30
31 The above information has not been verified for accuracy by the county.
32 _____
33

34 **SECTION 4.** ORS 251.345 is amended to read:

35 251.345. Not later than the date specified by the Secretary of State, [*in a county that prepares*
36 *a*] **for purposes of the** county voters' pamphlet, the governing body for any electoral district that
37 has referred a measure to the voters shall submit an impartial, simple and understandable statement
38 explaining the measure and its effect.

39 **SECTION 5.** ORS 251.355 is amended to read:

40 251.355. (1) Not later than the date specified by the Secretary of State by rule, [*in a county that*
41 *prepares a*] **for purposes of the** county voters' pamphlet, any person may file with the county clerk
42 a typewritten argument supporting or opposing any measure to be submitted to the voters on the
43 ballot. The county clerk may not accept any arguments that are not accompanied by the fee estab-
44 lished by the Secretary of State or a petition in a form prescribed by the Secretary of State. A pe-
45 tition shall contain the signatures of at least four percent of the electors in the county eligible to

1 vote on the measure to which the argument refers, or the signatures of 1,000 electors in the county
 2 eligible to vote on the measure to which the argument refers, whichever is less. The number of
 3 registered electors in an electoral district, for the purposes of this section, shall be calculated on
 4 January 1 of each year. Each person signing the petition shall subscribe to a statement that the
 5 person has read and agrees with the argument. The signatures on each petition shall be certified
 6 by the county clerk in the manner provided in ORS 249.008. The petition shall be filed with the
 7 county clerk.

8 (2) The county clerk shall include in the county voters' pamphlet, on the page of the printed
 9 argument, the name of the person who submitted the argument, the name of the organization the
 10 person represents, if any, whether the argument supports or opposes the measure and a disclaimer
 11 that the argument does not constitute an endorsement by the county and that the county does not
 12 warrant the accuracy or truth of any statement made in the argument.

13 **SECTION 6.** ORS 251.365 is amended to read:

14 251.365. (1) [*Any county clerk*] **For purposes of** preparing, printing and distributing a county
 15 voters' pamphlet, **a county clerk** may apportion the cost of preparing, printing and distributing the
 16 county voters' pamphlet as a cost of the election according to the formula established by the Sec-
 17 retary of State for the allocation of election costs. The apportioned election costs shall be reduced
 18 for each electoral district by the amount of any revenue received by the county clerk from the
 19 submission of candidate portraits, statements and arguments for that electoral district.

20 (2) Any revenue collected by the county clerk from the submission of candidate portraits,
 21 statements or arguments for any electoral district which may exceed the apportioned cost of the
 22 election for that electoral district shall be applied to reduce the shared costs of the election for all
 23 remaining electoral districts.

24 **SECTION 7.** ORS 251.067 is amended to read:

25 251.067. (1) A candidate or agent on behalf of the candidate for nomination or election to any
 26 county or city office, or to an elected office of a metropolitan service district organized under ORS
 27 chapter 268, may file a portrait or statement for inclusion in the state voters' pamphlet under ORS
 28 251.065 if a county voters' pamphlet [*described in ORS 251.305 to 251.435*] **is not required under**
 29 **ORS 251.305 and** is not prepared for the election in each county in which the electoral district of
 30 the candidate is located.

31 (2) A community college district measure relating to bonding, a county measure or a measure
 32 of a metropolitan service district organized under ORS chapter 268, and the ballot title, explanatory
 33 statement and arguments relating to the measure, shall be included in the state voters' pamphlet
 34 as provided in ORS 251.285, if a county voters' pamphlet [*described in ORS 251.305 to 251.435*] **is**
 35 **not required under ORS 251.305 and** is not prepared:

36 (a) For the election on the county measure; or

37 (b) In each county in which the community college district or metropolitan service district is
 38 located, for the election on the community college district measure relating to bonding or metro-
 39 politan service district measure.

40 (3) If a county voters' pamphlet described in ORS 251.305 to 251.435 is prepared for an election
 41 at which a candidate for nomination or election to any county or city office, or to an elected office
 42 of a metropolitan service district organized under ORS chapter 268, is listed on the ballot, or at
 43 which a community college district measure relating to bonding, a county measure or a measure of
 44 a metropolitan service district organized under ORS chapter 268 is listed on the ballot, the county
 45 voters' pamphlet shall include the county or city office, the office of the metropolitan service district

1 or the community college district measure relating to bonding, county measure or measure of the
 2 metropolitan service district. Such offices and measures *[shall]* **may** not be included in any state
 3 voters’ pamphlet prepared for the election and distributed in the county for which the county voters’
 4 pamphlet is prepared.

5 (4) If a city, metropolitan service district organized under ORS chapter 268 or community col-
 6 lege district is located in more than one county, and a county in which the city, metropolitan service
 7 district or community college district is located does not prepare a county voters’ pamphlet de-
 8 scribed in ORS 251.305 to 251.435 for the election, candidates for nomination or election to any city
 9 office or an elected office of the metropolitan service district, and any community college district
 10 measure relating to bonding or measure of the metropolitan service district, *[shall]* **must** be included
 11 in the state voters’ pamphlet to be distributed to the county that does not prepare a county voters’
 12 pamphlet. The Secretary of State shall designate the candidates and measures that may be included
 13 in the state voters’ pamphlet under this subsection.

14 (5) As used in this section, “community college district” has the meaning given that term in ORS
 15 341.005.

16 **SECTION 8.** ORS 254.485, as amended by section 3, chapter 56, Oregon Laws 2024, is amended
 17 to read:

18 254.485. (1) Ballots may be tallied by a vote tally system or by a counting board. A counting
 19 board may tally ballots at the precinct or in the office of the county clerk. In any event, the ballots
 20 shall be tallied and returned by precinct.

21 (2) If a counting board has been appointed, the tally of ballots may begin on the date of the
 22 election.

23 (3)(a) If ballots are tallied by a counting board, after the tally has begun it shall continue until
 24 completed. Except as provided in paragraph (b) of this subsection, a counting board shall tally
 25 without adjournment and in the presence of the clerks and persons authorized to attend.

26 (b) A counting board may be relieved by another board if the tally is not completed after 12
 27 hours.

28 (4) A counting board shall audibly announce the tally as it proceeds. The board shall use only
 29 pen and ink to tally.

30 (5) For ballots cast using a voting machine, the county clerk shall:

31 (a) Enter the ballots cast using the machine into the vote tally system; and

32 (b) In the event of a recount, provide the paper record copy recorded by the machine to the
 33 counting board.

34 (6) A person other than the county clerk, a member of a counting board or any other elections
 35 official designated by the county clerk may not tally ballots under this chapter.

36 **(7) The county clerk shall cause to be published on the website maintained by the county,**
 37 **after 8 p.m. on the day of a primary election and general election, an unofficial tally of votes**
 38 **for that county. The county clerk shall cause to be published an update to the unofficial tally**
 39 **of votes described under this subsection not less than one time on the day of the election.**

40 ~~[(7)]~~ (8) The Secretary of State shall by rule establish a procedure for announcing the status of
 41 the tally of the ballots received after the date of the election. Rules adopted under this subsection
 42 must:

43 (a) Consider the number of ballots being released in relation to the size of the district;

44 (b) Prioritize voter anonymity; and

45 (c) After prioritizing voter anonymity under paragraph (b) of this subsection, prioritize the im-

1 portance of timely reporting election results.

2 _____